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C O N F I D E N T I A L SECTION 01 OF 03 CAIRO 009545

SIPDIS

NSC STAFF FOR SINGH

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TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [EG](#)

SUBJECT: AYMAN NOUR CASE: THE POST-CONVICTION STAGE

REF: A. CAIRO 9467

[¶](#)B. CAIRO 9349

[¶](#)C. CAIRO 9053

[¶](#)D. CAIRO 8034

Classified by Charge d'Affaires Stuart E. Jones for reasons
1.4 (b) and (d).

Summary

[¶](#)11. (C) Reactions in the Egyptian media to the December 24 conviction and sentencing of opposition leader Ayman Nour on criminal forgery charges have been low key, with a few exceptions. The broader public reaction is more difficult to gauge. Many appear to believe that the case against Nour was brought for political reasons, but many of these same people question Nour's own integrity. The civil society/democratic advocacy community in Egypt has shown varying levels of solidarity with Nour. Nour's defense team will appeal his conviction, which might be heard by spring. Nour has ended his hunger strike and resigned from the leadership of the Ghad Party to prevent a rival faction expelled from the party from maneuvering to seize control. The GOE has not yet reacted to our (and European) criticism of the verdict, but we hope that pragmatists will take our public words as a cue that it is time for Egypt to find a dignified solution to this problem. End summary.

Robust Reactions from Abroad, Mixed at Home

[¶](#)12. (C) The French Government, normally reluctant to comment on specific human rights cases in Egypt, issued a statement on December 26, confirming that Paris had been following the Nour case, noting that further legal recourse was available, and stressing that the rights of the defendant should be fully respected. On December 27, the European Union issued a statement which more closely resembled the USG reaction, describing the Nour case as sending "negative signals about democratic political reform in Egypt." (Note: Diplomats from France, the U.K., EU Commission, and Norway joined poloff at the courthouse for the final December 24 session of Nour's trial. End note).

[¶](#)13. (C) Reactions in the Cairo media, both to the verdict and to international criticism, have been generally muted. Most of the pro-government press presented terse and factual reports about the verdict, with only scant commentary in several columns, generally stressing the "criminal" nature of the Nour case, in spite of efforts to "politicize" it. The pro-government press has so far either downplayed or overlooked international criticism. Many independent papers have ignored the story, although a few have played up negative international reactions, with the new tabloid "Al-Fagr" erroneously asserting that the cancellation of Vice President Cheney's December 22 visit to Egypt was prompted by U.S. objections to the anticipated guilty verdict.

[¶](#)14. (C) Most of our contacts acknowledge that Nour's prosecution was politically motivated but many also believe that Nour is corrupt. The Egyptian Organization for Human Rights, Egypt's oldest and most prestigious human rights NGO, urged Nour's immediate release on humanitarian/health grounds. A number of prominent members of the "Kifaya" (Enough) protest movement attended the trial's final stages and joined the small but noisy demonstrations in front of the courthouse. Ayat Aboul Fotouh, Director of Saad Eddin Ibrahim (SEI)'s Ibn Khaldoun Center, described the Nour case as a matter of political persecution and found it eerily similar to the GOE's 2000-03 prosecution of SEI on charges of embezzlement and "tarnishing Egypt's image abroad."

[¶](#)15. (C) The strongest reactions came from Nour's Ghad Party itself. Anticipating the guilty verdict, the Ghad brought their printed reaction to court on December 24. In a two page pamphlet entitled "Convicting Ayman Nour is Politically Motivated," the authors review the origins of the case, which they trace to Nour's outspoken defiance of the ruling NDP's January 2005 efforts to get opposition parties to defer demands for constitutional reform, and the politicized trajectory of the case thereafter. The pamphlet asserts

"...measures were taken against Nour simply because he represents a real challenge to Mubarak and his son. The Ghad Party was also targeted because for the first time in years a civil party was acquiring membership, support, and sympathy on a nationwide scale. This seemed to discredit the regime's claims that democracy will only bring Islamic fanaticism to power...." Significantly, the GOE has not interfered in the small pro-Ayman Nour demonstrations the Ghad have been holding around Cairo almost every day in the past week.

Nour Breaks Hunger Strike, Steps Down From Party

16. (C) Nour broke his hunger strike on December 25. Nour had declared in court on December 12 that he was beginning a hunger strike in protest of his case and the terms of his imprisonment. Nour and his lawyers were particularly incensed by the judge's decision on December 5 to remand him to custody in advance of the verdict and because prison officials had booked him in to jail as a "convict" rather than a "defendant." By December 18, the hunger strike had taken a serious toll on Nour, a diabetic who also suffers from heart disease. Prison officials admitted him to the infirmary, and even sent a chaplain to try to persuade him to eat. Nour looked emaciated and exhausted in court on December 24.

17. (C) Wael Nowara (protect), Secretary-General of the Ghad Party, confirmed to poloff on December 27 that Nour had resigned from the post of party president and appointed party Vice President Nagi Ghatrifi, a retired Egyptian Ambassador to the UN in Geneva, as acting president, in accordance with party by-laws. Nowara explained that Nour had done so "in order to maintain institutional continuity," and to fend off any potential challenges to the party leadership by Moussa Moussa, Nour's former best friend, who was expelled from the party for disloyalty in September after trying to topple Nour in an internal putsch. Moussa and several associates, widely believed to have acted at the behest of the GOE, went on to form their own Ghad Party, which now issues a parallel newspaper and claims to be the "real" Ghad Party.

Legal Prognosis

18. (C) Judge Gom'a has 30 days from December 24 to issue the written verdict. The defense must then file its appeal within 30 days of the publication of the written verdict. In the case of a felony conviction, appeals are sent to Egypt's Court of Cassation.

19. (C) Nour's lead defense attorney, Amir Salim, was widely quoted immediately after the December 24 verdict as vowing to appeal and predicting that Judge Goma's decision would be "relegated to the wastebins" of Egypt's legal history.
(Note: The Court of Cassation overturned Judge Goma's 2002 conviction of Saad Eddin Ibrahim, after sharply criticizing Gom'a's legal reasoning. The Court stopped just short of directly accusing Goma'a, and the prosecutors that brought the case, of gross incompetence. End note.)

110. (C) Judge Nabil Omran (protect), Vice President of the Court of Cassation, told poloff that appeals are normally considered by the court "no sooner than two years" after the case is filed. However, Omran added, the Court sometimes considers appeals more quickly "in cases where public opinion is a factor." He opined that the Nour case appeared to meet this criterion and predicted that it would be reviewed by the court "in April or May."

Comment

111. (C) In the past month, we warned many of our GOE contacts, at senior and working levels, that the Nour case, should it result in a conviction and stiff sentence, would introduce serious tensions in the bilateral relationship. We believe the GOE is still digesting the December 24 statements from Washington - we have not yet had any substantive reaction to them. Always sensitive to Egypt's image abroad, particularly in Washington, we expect senior GOE officials will have cringed at the sharp tone of our statements, but pragmatists in the GOE may also realize that Cairo's best interests would be served by a quick, dignified resolution to the problem.

112. (C) At the same time, a nationalist blow-back led by reactionaries in "independent" papers like Al-Osboa, as in the SEI case, is inevitable. We can expect nationalist proxies to slam Washington for its "arrogant interference" and for its "insulting" criticism of Egypt's "sacrosanct" judiciary. Such charges will likely be accompanied by an escalated campaign to defame Ayman Nour as a corrupt western

puppet. The impetus to do so may be greater given that his domestic following is considerably larger than SEI's ever was. Such tactics may meet some success in affecting the Egyptian public's perceptions of this case, but could also backfire, given the different political context: Public deference to the GOE has eroded markedly in the five years since SEI was first arrested, most recently evidenced by the widespread criticism of the GOE that followed the November-December parliamentary elections. End comment.

JONES